

**TOWN OF GRANBY
PLANNING AND ZONING COMMISSION
APRIL 14, 2015
MINUTES**

Present: Paula Johnson, Chairwoman, Margaret Chapple, Christine Chinni, Mark Lockwood, Eric Lukingbeal and Linda Spevacek. Francis Armentano, Director of Community Development was also in attendance.

The meeting opened at 7:04 p.m.

Public session: There was no public comment.

Minutes: The minutes of March 24, 2015 were received.

ON A MOTION by Margaret Chapple, seconded by Eric Lukingbeal, the Commission voted to approve the minutes of March 24, 2015. All approved. Paul Johnson abstained.

Public hearing:

The continuation of an application seeking a Special Permit, which proposes to modify the existing Special Permit, issued by the Planning and Zoning Commission on 12-09-2008, for property located at 80 Lost Acres Road and known as the Lost Acres Vineyard, File Z-1-15 resumed at 7:05 p.m. Chairwoman Johnson asked Margaret Chapple to continue to Chair this public hearing. Fran Armentano noted that additional correspondence had been received and has been made a part of the record. Fran commented on the applicants Exhibit #1 (Exhibits in support of Z-1-15), Tab 4 Survey of Incidental Uses – Granby Farms/Agriculture. He felt that it was misleading to suggest that farms operated without restrictions. Fran noted that the Zoning Enforcement Officer is empowered to determine if properties, including farms are operating in compliance with the Zoning Regulations and went on to discuss customary and incidental uses. He commented on a report submitted by Kevin Clark, PE. Town Engineer, which addressed drainage and the approved septic system. Fran said that he spoke with Kristin Kula, Registered Sanitarian, FVHD and that she stated that the septic system is adequately designed for the vineyard and its uses. A copy of the FVHD septic approval was added to the file. He also commented on Lost Acres Road traffic and accident data that he received from the police Department. Fran noted materials that have come in over the past 2 weeks have been added to the file and forwarded to the Commission. He also noted a letter from Mark Fiorentino, Attorney for the applicant, dated April 14, 2015, had been received. Fran also commented on items of concern noted from the last meeting, including; a starting time and ending time for amplified music; number of days per calendar year when musicians/bands/DJs or others to perform outside of the “Wine Barn” building with amplified music; a limit on the use of outside tents (wedding tents); parking on Lost Acres Road and outside lighting. A letter from Barbara Healy, 20 Harvey Drive, was handed out to the Commission members. Attorney Fiorentino, representing the applicant, had no comment at this time and asked to speak at the end of the public hearing. Carol Day, 96 Lost Acres Road, submitted a letter to the Commission, which was added to the record. She read the letter, summarizing portions and presented maps, graphs and a picture of the

Vineyard taken from her house. Mrs. Day noted many of the concerns and issues outlined within her letter, while indicating that she is not in direct opposition to the Vineyard and Farm Store. She supports agriculture but wants the vineyard to follow all state and local codes and permit requirements as other businesses do. She commented on such concerns as the number and types of activities, noise, parking, lighting and pollution to brooks and ponds and asked that an annual review by the town be required. Linda Spevacek entered at 7:30 p.m. Doug Marshall, 309 Granville Road, submitted and read a letter addressing his concerns in regards to the application. Harry Warner, 20 Granville Road, also submitted a letter for the record and expressed concerns. Several members of the public spoke in favor of the Special Permit, the sale of wine and support for the Vineyard. Neighbors who lived in very close proximity to the vineyard and who were in support of the vineyard hoped that their strong support was recognized with equal validity as those in opposition. Noel Jenkins, 62 Lost Acres Road, who spoke at the last meeting, presented additional thoughts, comments and concerns. These included the parking lot, stone wall, signage, site lighting, traffic control, storm water management, fireworks, the FVHD report and more. Mr. Jenkins also submitted photos concerning his property at 62 Lost Acres Road. He agreed to provide the Commission with the written testimony. Attorney Mark Branse representing Carol Day suggested a motion for approval with modified conditions. He noted concerns for lighting, hours and days of operation, and amplified music and suggested that the permit be limited to a year. He also reviewed a chart showing other vineyards and regulations. The materials submitted are a part of the record. Attorney Fiorentino concluded the public hearing, stating that the conditions offered by Attorney Branse were unacceptable. He commented on Granby's regulations which encourage agricultural activities such as the vineyard. He stated that there were over 200 people who gave their support to the vineyard and that 90% of the neighbors supported the vineyard and the application as submitted. Fran commented that agricultural use is a permitted use in all residential zones and suggested that people read Section 8.15 of the Zoning Regulations to understand the level of agricultural uses that is permitted as of right. The public hearing closed at 9:45 p.m.

The Commission members took a 5 minute recess.

Request for Re-Approval:

Susan Dwyer, seeking re-approval of the Safe Haven Wildlife Rehabilitation Center, 26 Loomis Street, File Z-2-15, informed the Commission there had been no complaints by the neighbors and that the property has been improved and a stockade fence installed.

ON A MOTION by Linda Spevacek, seconded by Mark Lockwood the Commission voted to re-approve the application of the Safe Haven Wildlife Rehabilitation Center, 26 Loomis Street, and File Z-2-15 with the following conditions:

1. The Special Permit use shall operate in conformance with the proposal as outlined in the applicant's letter dated February 25, 2013.
2. The Special Permit shall operate in conformance with a letter dated April 19, 2013 from, Laurie Fortin, Wildlife Biologist of the Connecticut Department of Energy and Environmental Protection.
3. All outdoor cages shall be reconstructed in accordance with the above referenced DEEP letter.
4. All trash, rubbish and other discarded materials shall be placed in enclosed, appropriate containers and disposed of properly.
5. The property shall be managed to avoid unreasonably foul odors. Upon complaint the ZEO shall inspect the property and may seek the advice of the FVHD. Upon concurrence with the FVHD the Special Permit may be suspended until such time that the odors are eliminated.

Receive Applications:

The Commission received an application seeking a Special Permit for an Accessory Apartment, Section 8.5 for property located at 105 Bushy Hill Road, File Z-3-15. The public hearing will be scheduled for April 28, 2015.

Consideration of an application seeking a Special Permit, which proposes to modify the existing Special Permit, issued by the Planning and Zoning Commission on 12-09-2008, for property located at 80 Lost Acres Road and known as the Lost Acres Vineyard, File Z-1-15 will be held at the next meeting April 28, 2015.

Staff Reports and Correspondence:

Fran gave a brief update on the progress of the Center Zone Review Committee.

Chairwoman Johnson thanked the public for a respectful public hearing concerning the Lost Acres Vineyard and the very thoughtful comments that were made.

The meeting adjourned at 10:07 p.m.

Respectfully submitted,

Dorcus S. Forsyth
Recording Secretary